

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OREGON AT PORTLAND

FILED 07 JUN '12 14:30 USC-ORP

Rec'd

UNITED STATES OF AMERICA
PLAINTIFF,

V.

STEVEN AVERY.

CASE NUMBER 11-CR-274-HA.

MEMORANDUM IN SUPPORT
OF MOTION TO DISMISS INDICTMENT
WITH PREJUDICE
INTENTIONAL FRAUD.

The Charges by and through the Indictment are predicated upon a document wherein Relief cannot be Granted.

Said Indictment is a Punitive Instrument wherein the charges can only be addressed and or settled by Punitive means. Where the U.S. Attorney and the Courts Conspire to prosecute the accused by Punitive Means only; leaving the actual injured Party with no means of settling there lost thru the Granting of Relief Upon the Charging Instrument.

Points Of Facts; The Charging Instrument in this Case revolve around a series of a five count indictment of conspiracy to Bank Robbery case no. 11-Cr.-274-HA. wherein Steven Avery is alleged to have conspired with others to rob banks. (see Indictment). Steven Avery is offered a settlement constructed by the U.S. Attorney in the form of restitution and, punitive damages of serving time in prison; however these said banks are supposedly insured deposits.

The Banks have not before the Grand Jury made any Formal Complaint or Stated a claim, there is no Charging, other than the one filed with the Portland Police Dpt. in the State of Oregon; Steven Avery was not given the opportunity to settle this Complaint in the State of Oregon, nor was he appraised of the facts of the fact that he had a right to settle that Complaint in an Arraignment before the Superior Judge in the State of Oregon, and settle the claim then and, there.

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THE BARE BONES INDICTMENT; Is a non-Chargeable-Instrument upon which relief can be granted, in fact it is all but, impossible; so then this Indictment is then served upon the person in question Steven Avery, since Steven Avery can not afford an Attorney then the Court would then and, there appoint one to him at no cost to him; however at this point Steven is not given full Disclosure as to this appointment of counsel. Steven Avery is not told that under 28 USC §§2041 all monys paid into any court of the United States, or received by the office thereof, in any pending or adjudicated in such court, SHALL BE FORHTWITH deposited with the TREASURER OF THE UNITED STATES, OR A DESIGNED DEPOSITARY, in the Name and to the credit of such court.

This section SHALL not prevent the delivery of any such money to the rightful owners upon security, according to agreement of Parties, under the direction of the court.

Investment of Registry Funds.

Unless the statute requires the deposit of fund without leave of Court, no money Shall be sent to the Court or its Officers for deposit into the Court's registry without a court order signed by the presiding Judge in the case or proceeding.

2.) unless provided for elsewhere in this Rule, all money ordered to be paid into the Court or received by its Officers in any case pending or adjudicated Shall be deposited with the Treasury of United States in the name and, to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositaries designated by the Treasury to accept such deposit on its behalf. (b) Investment of funds-

(1.) All funds deposited into the registry of the Court will be placed in some Interest Bearing Account. Unless otherwise ordered, the Court Registry Investment System (C.R.I.S.) administered through the United States District Court for the Southern District of Texas, shall be the investment mechanism authorized.

2.) Under CRIS, monies deposited in each case under (a)(1) will be "pooled" together with those on deposit with Treasury to the credit of other courts in the Court Registry Investment System and used to purchase Securities which will be held at the Federal Reserve Bank of the Dallas/Houston Branch, in a safekeeping account in the name and to the credit

page 3.) memorandum in support to dismiss indictment.

of the Clerk, United States Court for the Southern District of Texas, hereby designated custodian for the Court Registry Investment System.

3.) An account for each case will be establish in the CRIS titled in the Name of the case giving rise to the Investment in the system. Income recieved from fund investment will be distributed to each case based on the ratio each account's principle and income has to the aggregate principle and income totall in the fund each week. Weekly reports showing the income earned and the principle amounts contributed to each court participating in CRIS and made availabe to litigants and/or their counsel.

Registry Investment Fee.

- 1.) The custodain is authorzed and directed by this Rule to deduct, for maintaining accounts in the Fund, a fee equal to 10% of the income earned.
- 2.) No additional fee shall be assessed with respect to investments for which a fee has already been deducted prior to the establishment of CRIS in this district.

FIFTH AMENDMENT PROTECTION PROTECTION

Steven Avery in this case has the protection of the Fifth Amendment wherein no one has the right to use another Person personal Private property for the purpose of profit, Steven Avery has a private interest in his personal private property and the proof thereof such a claim and, Steven Avery was not appraised of the facts stated in these dealing beingcarried out in his name in fact there was no Disclosure whatever.

It is the No-Disclosure of this case before the Court that creates the premise for Fraud, wherein the Indictment is the tool that creates upon which these non disclosed Fraudulent Interest Bearing accout Contract are put in place. Intentional is when some act is meant to be done in the Objective in the Act perpetratted.

This would mean that Subjectively the Fraud was therefore Intentional. It is against the Laws of this Land to enter some one into Profit bearing Contract of Interest without their Expressed Consent, and or Permission. In some Penal Code of Law such is also known as Forgery, wherein a person name is used for the purpose of profit without that person's ~~knowledge or Awareness~~ Knowledge or Awareness.

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NON-DISCLOSURE:

1.) The failure or refusal to reveal something that either might be required to be revealed. Cf. Concealment. [Cases Fraud key-16.] It is clear that this Motion should be Granted, and maybe a Judicial Review is warranted for possible sanctions for those involved herein.

Steven T. Wax was as of September 2011 the Trustee of the Fund. under 28 U.S.C. §2042 IR 67-3 Withdrawal of Funds (Sample Order to Disburse Monies).

Under the terms of Withdrawal under 2042, the Claimant or rightful Owner of said funds has a period of five years to claim said funds; if however the funds are not Claimed then the Clerk then files a motion for unclaimed funds directly to the sentencing Judge.

Here the ticket; how can a person claim something that has not been disclosed to him or her. If you do not have any knowledge of monies appropriated in your name, how then would you ever know to claim the monies. There is a very reasonable assumption that a crime of unlawful and Intentional Fraud was committed due to the mindfulness of the deception perpetrated in the circumstances herein.

It is not Jurisprudence for the Court to act beyond its Judicial Power; Those appointed to represent the United States Justice Department do so by appointment of the Executive Chief of the United States to uphold that System and, protect and preserve the rights of the American People. It is not Jurisprudence for Members representing the Justice Department to act or proceed in a personal capacity such as ordering and, making Investment based on Bare Bones Indictment for the purpose of profit..

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 and making investment based on
 "bare bones Indictments" for the
 purpose of Profits; ^{Start Here} for the Court or
 the Justice Department such
 would be a travesty of the Justice
 intended to provide protection again.
 Such as this Intentional Fraud
~~perpetrated~~ perpetrated by the Courts
 Non-Disclosure in the use of Ones
 private property is a gross violation

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 of ones Constitutional right Under Article
 V VII IV of the United States Constitution
 and Codes set forth herein in this
 Motion for ~~Dismissal~~ an Order of Dismissal
 with prejudice. Stever Avery requires
 of this Court to dismiss the Indictment
 under said grounds as said Indictment
 is unmistakably an instrument used
 for Fraudulent Intent ~~and~~

It is the Prayer of Stever Avery
 that this Court see the
 need for Justice in the
 Cases before the Bar and
 the Courts that Represent
 the People of the United States
 in the Name of Justice Not Profit
 in such an illegal manner.
 Thank You.

Closing
 Statement

Check grammar
 do not change wording!